

# **ARKANSAS DEPARTMENT OF HEALTH**

## **J-1 VISA WAIVER PROGRAM**

### **2020-2021 Guidelines**

The Arkansas J-1 Visa Waiver Program (Arkansas Program) is committed to improving access to quality, affordable health care for all Arkansans. Therefore, through the Conrad State 30 Program (Conrad Program), the Arkansas Program is prepared to consider recommending a waiver of the two-year foreign residence requirement on behalf of International Medical Graduates (IMGs) holding J-1 visas, provided certain conditions have been met. The Conrad Program allows each state public health department to request up to 30<sup>1</sup> waivers per year from the United States Department of State (DOS) within their established time period of October 1 through September 30<sup>2</sup>.

As part of the Conrad Program, the Arkansas Program also considers non-designated applications, also known as Flexibility (FLEX) Waivers. Ten of the 30 Conrad waivers may be used for IMGs who will practice in facilities not residing in federally designated medically underserved areas, but who service patient populations residing in one or more of these areas. The request for a Conrad Program waiver must come from an Arkansas health care facility on behalf of an IMG and not directly from an IMG.

The Arkansas Program Guidelines are completely discretionary, voluntary and may be modified or terminated at any time. Submission of a complete waiver application packet to the Arkansas Program does not ensure that a waiver will be recommended. In all instances, the Arkansas Program reserves the right to recommend or decline any request for a waiver and is not responsible for any practice arrangements or contracts entered into by IMGs prior to or after application to the Arkansas Program.

Applications will be accepted from any rural or metro based facility located in an area(s) designated by the Secretary of the United States Department of Health and Human Services as a Health Professional Shortage Area (HPSA), Mental Health Professional Shortage Area (MHPSA), Medically Underserved Area (MUA), areas with a Medically Underserved Population (MUP) or those having a facility designation as a Federally Qualified Health Center (FQHC), Community Health Center (CHC), public/non-profit HPSA or other HPSA. Primary care as well as any specialty will be considered.

Each year, initial applications for both FLEX and designated slots will be accepted from October 1<sup>st</sup> through October 10<sup>th</sup> (the “initial application period”). Determinations will be made after October 11. An entity submitting multiple applications for a single location during the initial application period should rank the applications in order of priority/preference. A single location, such as a hospital, will be limited to two (2) placements per location during the initial application period. Applications received during the initial application period will be prioritized for placement.

After the initial application period of October 1-10, applications for remaining waiver slots will be accepted on a first come first served basis. If at any time the applications received exceed the

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<sup>1</sup> The number of waivers is established by federal law and may vary.

<sup>2</sup> If October 1 falls on a weekend or holiday, applications will be accepted beginning the first business day thereafter.

available waivers, the agency will prioritize the applications. The final submission date for each placement year is September 15<sup>th</sup> unless specific permission for a late submission is obtained from the Arkansas Program.

To apply for a FLEX Conrad waiver, be sure to declare that the request is for a “non-designated” or “FLEX” position in the first paragraph of the Letter of Need (see enclosed “Application Checklist”). Include documentation that at least 30% of the patients served at the application practice site are from HPSA(s) or MUA/P(s). Submit a patient origin study using patient residence zip codes that includes the HPSA and/or MUA/P ID numbers for each zip code provided. Do not identify patients by name, home address or provide any other patient specific information, and include each individual patient only one time in the study (in other words, multiple encounters by a single patient counts only as one patient).

Incomplete applications or those not meeting Arkansas Program guidelines will be returned to the sender by FedEx with a letter indicating why the application was not acceptable. Deficient applications may be corrected and resubmitted if the process can be completed by the close date of September 15. Submissions after the closing date will not be processed unless express permission for a late submission has been obtained from the Arkansas Program. All required information and documentation must be submitted in a single application in the order requested. Applications may not be held open to receive additional documents. Documents arriving independent of an application packet may not be matched to an application and may not be considered. The Arkansas Program assumes no responsibility for applications lost in the mail.

Every page of the application must exhibit the IMG’s Waiver Review Case File Number as assigned by the DOS. The *Arkansas J-1 Visa Waiver Application Form* must be completed, and the IMG must sign and have notarized the *IMG Affidavit and Agreement* as part of the application. The facility’s application Letter of Need and any other related correspondence should be directed to the Arkansas Program manager and enclosed with the application.

The IMG must demonstrate a bona fide offer of full-time employment at a health facility in the form of a copy of the complete contract and must agree to begin employment at the facility within 90 days of receiving the United States Citizenship and Immigration Service (USCIS) waiver. The IMG must complete a term of employment of not less than three years providing services, as stated in the contract, for not less than 40 hours per week during normal office hours or hours meeting the needs of the service area, in not less than four days a week. If the employer proposes to use the IMG at more than one site, include the names, locations, designation numbers and schedule of hours at each site where the IMG will practice. All service site areas must be designated. For the non-designated exemption, specific adjacent underserved areas to the practice site must be designated. Contracts may not contain non-compete and/or non-solicitation clauses or other restrictive covenants which would prevent or discourage the IMG from practicing in any Arkansas community after the term of obligation. The IMG must be reimbursed the prevailing wage comparable to other like primary care or specialty providers in the area.

Recruitment and retention efforts must be described in detail. In addition, the employer must demonstrate a reasonable effort to recruit a U.S. doctor for the vacancy, in the same salary range, for at least six months without success prior to application. Include copies of advertisements,

agreements with placement services, vacancy announcement letters, medical school postings, etc. If this information is not available, submit a strongly worded, detailed statement describing recruitment efforts.

Applications will not be accepted from employers who are IMGs currently fulfilling their waiver obligation. Facilities requesting a placement must be operational at the time of application. These facilities must agree not to discriminate against patients unable to pay for services or those seeking services under Medicare or Medicaid. A sliding fee schedule, or statement of non-refusal of care based on ability to pay shall be posted in the waiting room and the facility must provide medical care to Medicare and Medicaid eligible patients, as well as the uninsured/indigent.

The Arkansas Program must be notified in writing if the IMG is transferred to another site, additional service sites are added to the IMG's schedule, changes are made in the types of services the IMG is offering or he/she is terminated or leaves for any reason. If at any time the IMG fails to practice on a full-time basis in the approved area/site or areas/sites stated in the contract, the employer must notify the Arkansas Program which will in turn notify the USCIS of the IMG's breach of obligation. Employers are encouraged to impose additional provisions as needed in order to assure delivery of care by the IMG is consistent with their facility's policies and standards.

The Arkansas Program reserves the right to utilize telephone assessments, questionnaires, electronic mail and site visits as necessary to monitor compliance with state/federal guidelines and area/site satisfaction.

**Note:** Prior to submitting a waiver sponsorship request, please check the Arkansas Program Guidelines online at [www.healthy.arkansas.gov](http://www.healthy.arkansas.gov) for updates/changes.

An additional sponsorship resource for placing IMGs in Arkansas is the Delta Regional Authority (DRA), an eight-state federal/state partnership that includes 42 counties in eastern and central Arkansas. [www.dra.gov](http://www.dra.gov) The DRA accepts waiver applications for primary care and specialty placements. As a federal sponsor, the DRA is not subject to a numerical cap and may process an unlimited number of J-1 waiver applications year round. Contact: Alexandra Holland, Director, Federal Affairs and Strategic Programs at DRA, (202) 434-4847 (Office), (202) 744-2836 (Cell), [aholland@dra.gov](mailto:aholland@dra.gov) .

<http://www.dra.gov/>

To contact the Arkansas J-1 Visa Waiver Program:

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